

Attorney's Docket No. 07148-032001 / A15-505.10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lorin R. DeBonte et al. Art Unit : 1638  
 Serial No. : 08/572,027 Examiner : Gary Benzion  
 Filed : December 14, 1995  
 Title : PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED  
 FATTY ACID PROFILES

Commissioner for Patents  
 Box DAC  
 Washington, D.C. 20231

MAR 18 2002

TRANSMITTAL LETTER

Correspondence relating to this application is enclosed:

1. Response to Decision Refusing Status (2 pgs.);
2. Petition of Miao to Correct Inventorship Inventor's Declaration (1 pg.);
3. Combined Declaration and Power of Attorney of Miao (3 pgs.);
4. Petition to Correct Inventorship Company Officer's Declaration (1 pg.);
5. Petition for One-Month Extension of Time (1 pg.);
6. Check in the amount of 110.00 for Extension fee;
7. Return Postcard.

Enclosed is a check for \$110 for the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Dec 21, 2001

Ronald C. Lundquist

Ronald C. Lundquist, Ph.D.  
 Reg. No. 37,875

Fish & Richardson P.C., P.A.  
 60 South Sixth Street  
 Suite 3300  
 Minneapolis, MN 55402  
 Telephone: (612) 335-5070  
 Facsimile: (612) 288-9696

60066848.doc

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 21, 2001

Date of Deposit

Signature

Lisa Johnson

Lisa Johnson

Attorney's Docket No.: 07148-032001  
Client's Ref. No.: 15-505.10

**OFFICIAL COMMUNICATION****FACSIMILE****ATTENTION: OFFICE OF PETITIONS****FAX NO: 703-308-6916**

Number of pages including this page 12

MAR 18 2002

Applicant : Lorin R. DeBonte et al.  
Serial No. : 08/572,027  
Filed : December 14, 1995

Art Unit : 1638  
Examiner : Gary Benzion

Title : PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED  
FATTY ACID PROFILES

Office of Petitions  
Box DAC  
Washington, D.C. 20231

Sir:

Per a telephone message from Douglas Wood, attached to this facsimile communication cover sheet is a copy of the Response to Decision Refusing Status as filed on December 21, 2001, with the United States Patent and Trademark Office.

Respectfully submitted,

  
Ronald C. Lundquist, Ph.D.  
Reg. No. 37,875

Date: March 18, 2002

Fish & Richardson P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Fax: (612) 288-9696

60077077.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (612) 335-5070 to arrange for its return. Thank you.

MAR 18 2002

Attorney's Docket No. 07148-032001		Mailing Date December 21, 2001	<i>For PTO Use Only Do Not Mark in This Area</i>
Application No. 08/572,027	Filing Date December 14, 1995	Attorney/Secretary Init RCL/lij	
Title of the Invention PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED FATTY ACID PROFILES			
Applicant Lorin R. DeBonte et al.			
Enclosures - Transmittal Letter (1 page) - Response to Decision Refusing Status (2 pages) - Petition of Miao to Correct Inventorship Inventor's Dec. (1 pg.) - Combined Declaration and Power of Attorney (3 pages) - Petition to Correct Inventorship Company Officer's Dec (1pg.) - Petition for Extension of Time (1 month) - Check in the amount of \$110.00			

MAR 18 2002

7148-032001

FR FISH &amp; RICHARDSON P.C.

225 Franklin Street  
Boston, Massachusetts  
02110-2804

C

139307

PAY one hundred ten and 09/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	12/31/01	110.00

FISH &amp; RICHARDSON P.C.

52-153/112



Fleet Maine, N.A.  
www.fleet.com  
South Portland, ME

BY

139307 1011201539180071123

Attorney's Docket No.: 07148-032001 / A15-505.10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lorin R. DeBonte et al.

Art Unit : 1638

Serial No. : 08/572,027

Examiner : Gary Benzion

Filed : December 14, 1995

Title : PLANTS HAVING MUTANT SEQUENCES THAT CONFER ALTERED  
FATTY ACID PROFILES

Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

MAR 18 2002

RESPONSE TO DECISION REFUSING STATUS AND REQUEST FOR  
RECONSIDERATION

Applicants filed Petitions on May 9, 2001, requesting correction of inventorship to add Mr. Guo-Hua Miao and delete Mr. Willie H.-T. Loh. Applicant's Petitions also requested waiver of the requirement for a statement under 37 CFR § 1.48(a) from Mr. Miao as to lack of deceptive intent. Applicant's Petitions also requested waiver of the requirement for an executed declaration under 37 § CFR 1.63 from Mr. Miao. The Office of Petitions dismissed Applicant's Petitions.

Applicants hereby renew their request to correct inventorship. Applicants submit herewith the following documents: 1) Declaration under 37 CFR §1.63, signed by Mr. Miao; and 2) Inventor's Declaration under 37 CFR § 1.48(a), signed by Mr. Miao. Applicants believe that the two documents executed by Mr. Miao meet the requirements of 37 CFR §§ 1.47(a), 1.48(a), 1.63 and 1.67. Thus, Applicants believe that waiver of the rules with respect to execution of documents by Mr. Miao is now moot.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

December 21, 2001

Signature

Lisa Johnson

Typed or Printed Name of Person Signing Certificate

Applicant : Lorin R. DeBonte et al.  
Serial No. : 08/572,027  
Filed : December 14, 1995  
Page : 2

Attorney's Docket No.: 07148-032001 / A15-505.10

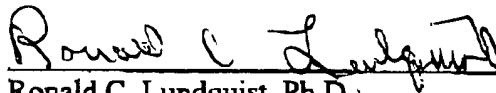
The Office of Petitions noted in the Decision Refusing Status that it appeared Mr. Fan had in fact signed the supplemental declaration, whereas Applicants stated Mr. Fan refused to sign. The Office of Petitions is correct. Applicants inadvertently stated that Mr. Fan did not sign the supplemental declaration, when in fact he did do so.

The Office of Petitions requested proof that Mr. Ernie Unger has authority to consent to correction of inventorship on behalf of the assignee, Cargill, Incorporated. Mr. Unger does have authority to sign on behalf of Cargill, Incorporated. However, to expedite prosecution, a Declaration under 37 CFR §3.73 is enclosed herewith, executed by Harry Gwinnell, Vice-President and Chief Intellectual Property Counsel of Cargill. The enclosed Declaration states that Cargill consents to the correction of inventorship indicated above. Applicants believe that Mr. Gwinnell's corporate title demonstrates proper proof of authority to sign on behalf of the assignee.

In view of the enclosed documents and remarks, Applicants request reconsideration of the Petitions filed May 9, 2001 to correct the inventorship entity for the above application to add Mr. Miao and to remove Mr. Loh. Applicants further request that the application be transferred to the Examiner for further examination.

Respectfully submitted,

Date: Dec 21, 2001

  
\_\_\_\_\_  
Ronald C. Lundquist, Ph.D.  
Reg. No. 37,875

Fish & Richardson P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696